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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,797	03/05/2002	Raymond John Herbert	5126	2997

7590

10/22/2002

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,797

Applicant(s)

HERBERT, RAYMOND JOHN

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claims 1-10 have been reviewed.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,3,7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitchenik (US 4796193 A), Amirpanahi (US 5648906 A), and Cordery et al. (US 5768132 A).

As per claim 1, Pitchenik disclose a method of mail preparation including the steps of: processing a first mail item comprising a mail item in a series of mail items(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20);

effecting an accounting operation in respect of a first postage charge for said first mail item(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20);

generating a first postage indicium to provide evidence that said accounting operation has been effected in respect of said first postage charge(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20);

processing a second mail item comprising a mail item subsequent to said first mail item in said series of mail items(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20);

generating a second postage indicium to provide evidence that said accounting operation has been effected in respect of said second postage charge(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20).

if the first postage indicium is not suitable for use in relation to said second mail item, effecting an accounting operation in respect of a second postage charge for said second mail item(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20).

Pitchenik fails to disclose determining if said postage charge remains unused because processing of said first mail item has not been completed; if said first postage is unused

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determining if said first postage indicium is suitable for use in relation to said second mail item.

Amirpanahi disclose determining if said postage charge remains unused because processing of said first mail item has not been completed(Amirpanahi, Abstract, Col. 2, Lines 50-60, Col. 12, Lines 30-67, Col. 13, Lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenik to determine if said postage charge remains unused because processing of said first mail item has not been completed as taught by Amirpanahi to ensure consistent postal accounting operations that uses unused credit.

Pitchenik fail to disclose if said first postage is unused determining if said first postage indicium is suitable for use in relation to said second mail item;
if the first postage indicium is suitable for use in relation to said second mail item, generating a substitute postage indicium to provide evidence in relation to said second mail item that said accounting operation has been effected in respect of said first postage charge.

Cordery et al. disclose if said first postage is unused determining if said first postage indicium is suitable for use in relation to said second mail item;
if the first postage indicium is suitable for use in relation to said second mail item, generating a substitute postage indicium to provide evidence in relation to said second mail item that said accounting operation has been effected in respect of said first postage charge(Cordery et al., Abstract, Col. 2, Lines 29-40, Col. 5, Lines 55-67, Col. 6, Lines 15-40, Col. 7, Lines 25-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenik to determine if said first postage is unused determining if said first postage indicium is suitable for use in relation to said second mail item; if the first postage indicium is suitable for use in relation to said second mail item, generating a substitute postage indicium to provide evidence in relation to said second mail item that said accounting operation has been effected in respect of said first postage charge as taught by Cordery et al. to get the benefit of using a substitute postage indicium.

As per claim 10, Pitchenick discloses a mail preparation apparatus including:
accounting means operable to effect an accounting operation in respect of a first postage charge for a first mail item of a series of mail items and to generate a first postage indicium to provide evidence that said accounting operation has been effected in respect of said first postage charge(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20);

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said accounting means being operative in processing a second mail item comprising a mail item subsequent to said first mail item in said series of mail items to determine(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20).

Pitchenik fails to disclose if said postage charge remains unused because processing of said first mail item has not been completed.

Amirpanahi disclose if said postage charge remains unused because processing of said first mail item has not been completed (Amirpanahi, Abstract, Col. 2, Lines 50-60, Col. 12, Lines 30-67, Col. 13, Lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenik to determine if said postage charge remains unused because processing of said first mail item has not been completed as taught by Amirpanahi to ensure consistent postal accounting operations that uses unused credit.

Pitchenik fail to disclose if said first postage is unused to determine if said first postage indicium is suitable for use in relation to said second mail item; and if the first postage indicium is suitable for use in relation to said second mail item, to generate a substitute postage indicium to provide evidence in relation to said second mail item that said accounting operation has been effected in respect of said first postage charge and if the first postage indicium is not suitable for use in relation to said second mail item, to effect an accounting operation in respect of a second postage charge for said second mail item and to generate a second postage indicium to provide evidence that said accounting operation has been effected in respect of said second postage charge.

Cordery et al. disclose if said first postage is unused to determine if said first postage indicium is suitable for use in relation to said second mail item; and if the first postage indicium is suitable for use in relation to said second mail item, to generate a substitute postage indicium to provide evidence in relation to said second mail item that said accounting operation has been effected in respect of said first postage charge and if the first postage indicium is not suitable for use in relation to said second mail item, to effect an accounting operation in respect of a second postage charge for said second mail item and to generate a second postage indicium to provide evidence that said accounting operation has been effected in respect of said second postage charge(Cordery et al., Abstract, Col. 2, Lines 29-40, Col. 5, Lines 55-67, Col. 6, Lines 15-40, Col. 7, Lines 25-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenik to determine if said first postage

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is unused to determine if said first postage indicium is suitable for use in relation to said second mail item; and

if the first postage indicium is suitable for use in relation to said second mail item, to generate a substitute postage indicium to provide evidence in relation to said second mail item that said accounting operation has been effected in respect of said first postage charge and if the first postage indicium is not suitable for use in relation to said second mail item, to effect an accounting operation in respect of a second postage charge for said second mail item and to generate a second postage indicium to provide evidence that said accounting operation has been effected in respect of said second postage charge as taught by Cordery et al. to get the benefit of using a substitute postage indicium.

As per claim 2, Pitchenik disclose a method as claimed in claim 1.

Pitchenick fails to disclose wherein the substitute postage indicium is generated as a modification of the first postage indicium.

Cordery et al. disclose wherein the substitute postage indicium is generated as a modification of the first postage indicium(Cordery et al., Abstract, Col. 2, Lines 29-40, Col. 5, Lines 55-67, Col. 6, Lines 15-40, Col. 7, Lines 25-45).

As per claim 3, Pitchenik disclose a method as claimed in claim 1 and that the accounting operation for the first postage charge relates to the second mail item(Pitchenik, Abstract, Col. 3, Lines 25-67, Col. 4, Lines 1-67, Col. 5, Lines 1-20).

Pitchenick fail to disclose wherein generation of the substitute postage indicium includes providing an indicator in the first postage indicium indicative.

Cordery et al. disclose wherein the generation of the substitute postage indicium includes providing an indicator in the first postage indicium (Cordery et al., Abstract, Col. 2, Lines 29-40, Col. 5, Lines 55-67, Col. 6, Lines 15-40, Col. 7, Lines 25-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to use the substitute postage indicium is generated as a modification of the first postage indicium and the generation of the substitute postage indicium includes providing an indicator in the first postage indicium indicative as taught by Cordery et al. to get the benefit of providing an indicator in the postage indicium to distinguish the substitute postage from the initial postage indicium.

As per claim 7, Pitchenick disclose a method as claimed in claim 1.

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Pitchenick fail to disclose wherein generation of the first postage indicium is based at least in part on recipient address and wherein the step of determining if the first postage indicium is suitable for use in relation to the second mail item includes the step of determining if a recipient address of the second mail item is the same as a recipient address of the first mail item.

Cordery et al. disclose wherein generation of the first postage indicium is based at least in part on recipient address and wherein the step of determining if the first postage indicium is suitable for use in relation to the second mail item includes the step of determining if a recipient address of the second mail item is the same as a recipient address of the first mail item(Cordery et al., Abstract, Col. 2, Lines 29-40, Col. 5, Lines 55-67, Col. 6, Lines 15-40, Col. 7, Lines 25-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to use the generation of the first postage indicium is based at least in part on recipient address and wherein the step of determining if the first postage indicium is suitable for use in relation to the second mail item includes the step of determining if a recipient address of the second mail item is the same as a recipient address of the first mail item as taught by Cordery et al. to get the benefit of reusing the postage indicium on a postal item with a different address.

3. Claims 4,5,6,8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitchenick, Amirpanahi and Cordery et al. as applied to claims 1 and 3 above, and further in view of Pintsov et al. (US 6,385,504 B1).

As per claim 4, Pitchenick disclose a method as claimed in claim 3.

Pitchenick fails disclose wherein the postage indicium includes a cryptographic token and the cryptographic token is based in part upon the indicator.

Pintsov et al. disclose wherein the postage indicium includes a cryptographic token and the cryptographic token is based in part upon the indicator(Pintsov et al., Abstract, Col. 2, Lines 60-67, Col. 13, Lines 1-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to use the postage indicium includes a cryptographic token and the cryptographic token is based in part upon the indicator as taught by Pintsov et al. to get the benefit of providing a cryptographic token based on the indicator or flag.

As per claim 5, Pitchenick disclose a method as claimed in claim 3.

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Pitchenick fails to disclose wherein the first postage indicium is generated to include a flag in a first state and wherein the substitute indicium is generated with said flag in a second state different from said first state.

Pintsov et al. disclose wherein the first postage indicium is generated to include a flag in a first state and wherein the substitute indicium is generated with said flag in a second state different from said first state(Pintsov et al., Abstract, Col. 2, Lines 60-67, Col. 13, Lines 1-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to use the first postage indicium is generated to include a flag in a first state and wherein the substitute indicium is generated with said flag in a second state different from said first state as taught by Pintsov et al. to get the benefit of providing a cryptographic token based on the indicator or flag.

As per claim 6, Pitchenick disclose a method as claimed in claim 5.

Pitchenick fails to disclose wherein the postage indicium includes a cryptographic token and the cryptographic token is based in part upon the state of the flag.

Pintsov et al. disclose wherein the postage indicium includes a cryptographic token and the cryptographic token is based in part upon the state of the flag(Pintsov et al., Abstract, Col. 2, Lines 60-67, Col. 13, Lines 1-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to use the postage indicium includes a cryptographic token and the cryptographic token is based in part upon the state of the flag as taught by Pintsov et al. to get the benefit of providing a cryptographic token based on the indicator or flag.

As per claim 8, Pitchenick disclose a method as claimed in claim 1.

Pitchenick fail to disclose including the steps of storing the first indicium and a marker relating to the stored first indicium and the further step of setting said marker if the processing of the first mail item is not completed.

Pintsov et al. disclose including the steps of storing the first indicium and a marker relating to the stored first indicium and the further step of setting said marker if the

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processing of the first mail item is not completed(Pintsov et al., Abstract, Col. 2, Lines 60-67, Col. 13, Lines 1-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to include the steps of storing the first indicium and a marker relating to the stored first indicium and the further step of setting said marker if the processing of the first mail item is not completed as taught by Pintsov et al. to get the benefit of providing a cryptographic token based on the indicator or flag.

As per claim 9, Pitchenick disclose a method as claimed in claim 8.

Pitchenick fails to disclose including the step of resetting the marker relating to the stored first indicium if the first indicium is determined to be suitable for use in relation to the second mail item.

Pintsov et al. disclose including the step of resetting the marker relating to the stored first indicium if the first indicium is determined to be suitable for use in relation to the second mail item(Pintsov et al., Abstract, Col. 2, Lines 60-67, Col. 13, Lines 1-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pitchenick to include the step of resetting the marker relating to the stored first indicium if the first indicium is determined to be suitable for use in relation to the second mail item as taught by Pintsov et al. to get the benefit of providing a cryptographic token based on the indicator or flag.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al., Method for Reissuing Digital Tokens in an Open Metering System.

Gargiulo et al., Method and Apparatus for Storage of Accounting Information in a Value Dispensing System.

Whitehouse, System and Method for Purchase and Application fo Postage Using Personal Computer.

Dolan et al., Electronic Postage Meter System Having Internal Accounting System and Removable External Accounting System.

Cordery et al., Advanced Postage Payment System Employing Pre-Computed Digital Tokens and With enhanced Security.

Racanelli, Mail Metering Process and Machine.

Sansone, Electronic Indicium and Methods of Using Same in Postal Process.

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Brookner, Secure Smart Card Access to Pre-Paid Metering Funds in Meter.
Mallozzi et al., System for Accounting for Postage Expended by a Postage Meter Having Data Security During Printing.
Dlugos et al., System and Method for Computing Fractional Postage Values.
McClung, Method and system for Preparing an Item for Mailing Including Cost Recapture Feature.
Woodbine, Resettable Counter for Postage.
WO98/57303, Gravell, et al., Virtual Postage Meter with Multiple Origins of Deposit.
Office World News, Postage Downloads Introduced, May 1998.
Business Wire, Neopost Introduces Internet-Based Postage Metering System for the Small Office/Home Office Market, March 9, 1998.

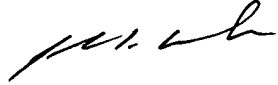
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles
Examiner
Art Unit 3629

dfc
October 15, 2002


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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